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ABSTRACT

Traditionally, governments have found it necessary to repress unpopular ideas and to restrict the free flow of information. Until quite recently, universities have escaped such repression; however, recent developments in the areas of research in science and advanced technology have created tensions as governmental and academic interests have become more enmeshed. During the years of the Reagan Administration, several national security directives were issued which sought to restrict the communication of research results that were deemed threatening to national security. Information crossing borders was believed to be as potentially dangerous as the export of military hardware. Individual governmental agencies reserved the right to prescreen research papers and "correct" methodologies and data before their publication; and the individual national directive, NSDD 84, which was eventually rescinded, would have required more than 120,000 government employees to sign agreements requiring prepublication review of anything they proposed to publish after leaving the government. It is advised that the intellectual community become more aware of any existing censorship apparatus and work toward a goal of open scholarship. (MAB)

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Scholarship and the Need for Information

Robert M. Rosenzweig

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"Federal Information Policies: The Congressional Initiative"

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Presentation by

Robert M. Rosenzweig, President
Association of American Universities

My assigned topic on this program is "Scholarship and the Need for Information." I don't think I need to expound on the rather self-evident connection between the two parts of this topic. So let me deal with it by offering to stipulate, first, that the work of scholarship cannot proceed without a free flow of information and, second, that the quality of available information is severely attenuated if the enterprise of scholarship is weakened. I suspect that we have quite general agreement on those propositions, so I now propose to proceed to a consideration of threats to the free flow of information and to the enterprise of scholarship. Unfortunately, it is a large subject, with which I can deal only sketchily here, but let me try to provide at least an outline.

One part of the problem derives from the policies of universities, themselves, and is—in principle, at least—solvable by them. It has to do with restrictions on the communication of research results and processes that are accepted voluntarily as a cost of accepting research support from industry. The need of business to protect certain proprietary interests through limited delays in publication is understandable and can be accommodated without compromising important institutional values. However, the desire to win research funds from industry, and in some cases the pressure on institutions to have such links, can be so strong that inappropriate arrangements are accepted. That this has happened is beyond doubt. It is in the nature of such agreements that they are not widely known, so there is no ready way of finding out how serious a problem this is. It is, however, a new element on the information scene and is to be closely watched.

With respect to government, the picture is a good deal clearer. These last eight years have not been good ones for those who care about the free flow of information and ideas. That number should, of course, include all of those who care about the survival of democratic government, and it certainly should include all of those who care about the nation's intellectual life, its scientific and technological progress, and its universities. That should add up to a formidable group of people, and it does; but not

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one formidable enough to prevent serious setbacks in the government's approach to information policy, broadly defined.

That fact constitutes a special problem for universities. More than any other social institutions, universities have at the very core of their being a commitment to keeping open the channels of communication for ideas, information, opinion, truth, and even error. Thus, universities tend to do badly in a climate that is hostile to such things, even if, as in the McCarthy period, for example, the hostility is not directed primarily at them. In periods when error is deemed to have no rights, and it is, therefore, thought proper to stamp it out, then the expression of truth which is merely uncomfortable is bound to be stifled in the process.

That formulation of the problem is the more or less classical description of the nature and effect of the repression of unpopular ideas. The problem we have faced in the last eight years, however, is of a rather newer and different kind. It has little to do with ideas at all. Rather, it is rooted in the nature of the modern state, of the post-World-War-II international arena, and of the rise of science as a dominant force in both of those. It also has roots in a characteristic of government that is as old as government itself. Let me speak first to that last point as it affects universities today.

Sitting governments, even democratic governments, even democratic governments with long and strong traditions of protecting free speech, often require, and even more frequently believe they require, the ability to restrict the free flow of information. Governments always tend to be secretive about their own activities, sometimes for good reasons, more often in order to gain political advantage or to avoid threatened disadvantage. That is, or ought to be, an elementary civics lesson. Serious trouble begins when circumstances seem so threatening—and the definition of threat can be very broad—that it seems necessary to reach outside the processes of government, itself, to restrict the communication of those who are not of government, but are somehow connected to it. The reach may be to those who once were part of government, to those who receive funds from the government, to those who report on government. The greater the threat as it is perceived by those in government, the longer their reach is likely to be. That is a more contemporary civics lesson that ought, also, to be incorporated in the textbooks.

Until quite recently, such lessons were, literally, of only academic interest to university people. The reason is that until quite recently—the beginning of World War II, to be precise—universities and government had very little to do with one another. The average university president could wake up in the morning, put in a full day's work, and go to bed at night without once being troubled by thoughts of what the national government was doing that might affect his institution. It is a rare day when that can be said about any modern university president. The major universities of this nation have become deeply enmeshed with the federal government, in an embrace of mutual dependency that makes senior government officials as important as any wealthy donor once was and that makes government policy an essential part of institutional calculations on a broad range of topics.

Information policy has become one of those topics.[1] It has become, and it remains, an important preoccupation of both government and universities, and it is an important source of tension between them. As I suggested earlier, this tension is focussed, for a change, not in the area of ideas, but in the area in which the government's interests and the universities' activities most pointedly intersect, namely, research in science and advanced technology. The core of the problem lay in the belief of key officials of the Reagan Administration that the practice of open dissemination of research results through publications, conferences, and exchange of technical personnel was harmful to the national security because it gave our adversaries the advantage of work that they could not do themselves. Vannevar Bush foresaw both the problem and the solution in his landmark book, Science: The Endless Frontier. He said, "[A] sounder foundation for our national security rests in a broad dissemination of scientific knowledge upon which further advances can more readily be made than in a policy of restriction which would impede our further advances in the hope that our potential enemies will not catch up with us."[2]

There is neither time nor reason here to recount the battles that have been fought on that ground in recent years. Through the application of the Export Control Act, and through the crafting of several National Security Directives, the Reagan Administration sought to restrict the communication of research results that it deemed threatening to the national security. Their principal ground was that in the modern world the transmission of knowledge across borders can be every bit as damaging as the transport of military hardware. Moreover, according to the Administration's approach, even information that is innocent by itself may need to be restricted if, in combination with other innocent pieces of information, it may be used in damaging ways. Thus, the range of research results subject to control went far beyond what was merely classified. It was, indeed, bounded only by the imagination of the controllers. Suffice it to say here that there is certainly truth to the argument, but there is very little validity to the solution they tried to impose.

Resistance to these efforts was partially successful, helped immeasurably by the fact that industry was as upset about the restrictions on them through the Export Control Act as were universities, and so it was possible to draw the attention of the Congress to the problem. I should also say that the Administration was not monolithic on this issue, and much useful support came from officials whose views disagreed with the prevailing orthodoxy.

Let me mention several other problem areas.

- During the Reagan years there was at least a continuation, if not an increase, in efforts by individual agencies to prescreen research papers to determine if any part of

1. For much of the information that follows from this point, I am indebted to John Shattuck and Muriel Morisey Spence, whose work in this field has saved all of us who are interested in it untold hours of hard labor. Particularly useful is their "Government Information Controls: Implications for Scholarship, Science and Technology," published by AAU in 1988.

2. Quoted in Shattuck and Spence, *op. cit.*, p. 2.

them should be withheld. Here, too, classification was not the issue. Indeed, even the Department of Housing and Urban Development has insisted on a six-month publication delay and then the right to require "corrections" of methodology, data, or analysis. While of great value to the nation, HUD-sponsored research seems unlikely to contain material that is important to national security. It is reasonable to suspect that such requirements are motivated by a wish to avoid the publication of research that may be contrary to the prevailing policy or might otherwise embarrass the Department. Harvard refused a HUD contract when the agency proved unwilling to eliminate that contract clause.

- The Reagan years saw a reversal of a long, slow movement to tighten the rules of classification and to release more classified information.

- The FBI's Library Awareness Program—and isn't that a wonderfully Orwellian name for a program that consists of snooping on borrowers—showed yet again that no suspicion is too remote to serve as a pretext for questionable state action.

- Finally, on this brief list, there was the ill-conceived NSDD 84, published in 1983. Among its other provisions, NSDD 84 would have required more that 120,000 government employees to sign agreements requiring prepublication review of anything they proposed to publish after leaving government. For many reasons that was of great concern to universities, not the least being that many of the people covered would have come from university faculties and be planning to return to them, so that the effect on research and teaching was potentially large.

That directive was rescinded after strong Congressional protests, but it should be noted that, using existing authority, by the end of 1985, prescreening agreements had been signed by 240,000 individuals. In 1984, 21,718 manuscripts were previewed, and another 22,820 in 1985. So that you may sleep soundly tonight knowing that the Republic is safe from the exposures of its former trusted officials, Shattuck and Spence report that out of all that material, 15 unauthorized disclosures were found.

It is too soon to know how the Bush Administration will treat these issues. Bureaucracies are, by their nature, conservative. Left to their own devices, they are likely to choose safety, and safety in the information area leads to restriction on the superficially sound grounds that information that is not released doesn't cause trouble. When the bureaucracy is led, as it was in many key places in the Reagan Administration, by second- and third-level political appointees who believe as a matter of doctrine in that principle, then there is real trouble afoot. We do not know who those people will be in the new Administration, nor have there been policy directives from above.

These are matters of great concern to the intellectual community. The object of contemporary policy may be science and technology, but the attitudes that have propelled policy in recent years, and the apparatus that has been established to implement policy, ought to concern us all. Scholarship and the institutions of scholarship do best when all the channels are open. We should work toward that goal.